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5 CITY AND COUNTY OF SAN  
6 FRANCISCO, et al.,

7 Plaintiffs,

8 v.

9 PURDUE PHARMA L.P., et al.,

10 Defendants.

11 Case No. 18-cv-07591-CRB (JSC)

12 **ORDER FOLLOWING MARCH 23,  
13 2022 PRETRIAL CONFERENCE**

14 On March 23, 2022, the Court held a pretrial conference regarding the upcoming  
15 trial scheduled to begin April 25, 2022. For the reasons discussed at the conference, the  
16 Court orders as follows:

17 • **Trial Schedule:** Trial will be held Monday through Thursday from 9:30 am to  
18 12:15 pm and from 1:15 pm to 3:30 pm beginning April 25th. The Court will be  
19 unavailable from May 2nd to May 6th and from June 22nd to June 23rd but does  
20 not currently expect any other interruptions to the trial schedule.

21 • **Trial Time:** Plaintiff and Defendants are each allotted 45 hours of total trial time.  
22 Defendants shall determine how to divide their 45 hours amongst each Defendant.

23 • **Opening Statements:** Plaintiff and Defendants each have one day to make their  
24 opening statements. Defendants shall determine amongst themselves how to divide  
25 their time. Time taken for opening statements will not count against trial time.  
26 While trial will ordinarily conclude at 3:30 pm daily, the Court will be flexible with  
27 respect to the timing of opening statements and may allow opening statements to  
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1 extend beyond 3:30 pm.

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- 3 • **Witness Declarations:** Upon further consideration, the Court has determined that  
4 direct testimony for fact and expert witnesses will be presented through declaration  
5 (or deposition as discussed below). Plaintiff and Defendants are each allotted  
6 150,000 words total for witness declarations. Defendants shall determine how to  
7 divide the word limit amongst themselves. Aside from the 150,000 total word limit,  
8 there are no word limits for the declaration of any given witness. Any exhibits  
9 referenced in a witness' declaration shall be filed with the declaration. Declarations  
10 are due by 12 pm two days before the witness is scheduled to testify, but the parties  
11 are encouraged to file their declarations as soon as possible. If a witness is  
12 scheduled to testify on a Monday or Tuesday, their declaration must be filed by 12  
13 pm the preceding Friday. Before cross-examination, each witness may take no  
14 more than 30 minutes to offer a summary of their written direct testimony. Time  
15 taken for witnesses to offer their summaries will not be counted against either side's  
16 trial time.
- 17 • **Deposition Testimony:** The parties may offer the testimony of a witness through  
18 recorded deposition as permitted under Federal Rule of Civil Procedure 32. The  
19 time taken to present the deposition, including objections, will be charged against  
20 the party offering the deposition testimony.
- 21 • **Time for Objections:** Time for making and ruling on objections shall be counted  
22 against the examining party. To the extent that a parties' objections are not well  
23 founded, the Court may grant the examining party additional trial time.
- 24 • **Findings of Fact and Conclusions of Law (FOFCOL):** FOFCOLs are due April  
25 18, 2022. Plaintiff shall submit a FOFCOL and Defendants shall submit one  
26 FOFCOL. The initial FOFCOLs shall provide a roadmap of the facts and the  
27 conclusions of law that each party intends to establish at trial. It shall be written in  
28 plain English. There are no page limits for the FOFCOLs, but they should be  
practical and accessible documents that provide an overview of the case that each

1 party intends to present. During trial, the parties shall submit an updated FOFCOL  
2 every two weeks, filing it by 5 pm on the Friday of the second week. The Court's  
3 expectation is that the updated FOFCOLs will be filled in with citations to the  
4 evidence presented during trial that supports the conclusions of law that each party  
5 asserts the Court should reach. With each updated FOFCOL, the parties shall  
6 include a redline showing changes to the prior FOFCOL and hyperlinks to evidence  
7 cited in the FOFCOL. Seven days after the close of trial, the parties shall submit  
8 their final FOFCOLs.

9 • **Trial Logistics:**

10     ○ **Testimony:** Witnesses who testify live must testify in person. No witnesses  
11       will be allowed to appear remotely.

12     ○ **Overflow Courtroom:** An overflow courtroom will be made available with  
13       a video livestream of the trial proceedings.

14     ○ **Public Audio:** A publicly accessible audio-only livestream will be made  
15       available.

16     • **Next Pretrial Conference:** The next pretrial conference is scheduled for April 4,  
17       2022, at 2 pm. The conference will take place in person. Before the conference, the  
18       parties shall file a joint statement not to exceed 10 pages by 12 pm on April 1, 2022.  
19       The statement shall address the following issues:

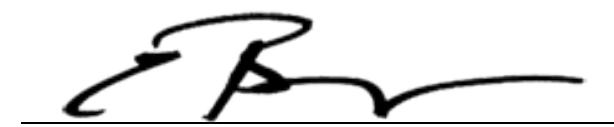
20       ○ **Objections to Testimony Presented by Declaration:** The parties shall  
21       propose a procedure for making objections to direct testimony presented  
22       through declarations.

23       ○ **Monitoring Trial Time:** The parties will be responsible for tracking time  
24       during trial and shall propose a procedure for time tracking.

25       ○ **Livestreaming:** The parties shall propose a procedure for lawyers  
26       representing parties in the case to access secure livestreams during trial.

1 **IT IS SO ORDERED.**  
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Dated: March 24, 2022



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CHARLES R. BREYER  
United States District Judge